

REMARKS

Reconsideration of this application in view of the above amendments and following remarks is requested. After entry of this reply, claims 1, 4-13, 15-19, 22-30 and 32-47 are pending in the application. Claims 1, 19 and 40 are amended, and claims 2, 3, 20, and 21 are canceled (claims 14 and 31 were previously canceled).

Please note and record our change of Attorney Docket Number in this matter to: 119645-00103.118. Also note the Change of Correspondence Address filed February 26, 2007, changing the Attorney address to: Blank Rome LLP, One Logan Square, 130 North 18th Street, Philadelphia, PA 19103.

In the office action dated April 19, 2007, the Examiner allows claims 34-39. The Examiner rejects claims 40-41, 43, and 45-47 under 35 USC §103(a) as unpatentable over Powell (U.S. Patent No. 6,195,590). The Examiner also rejects claims 1-4, 7-13, 15-16, 18-22, 25-30, and 32-33 under 35 USC §103(a) as unpatentable over Powell (U.S. Patent No. 6,195,590) in view of Chapman (U.S. Patent No. 5,128,860). Further, the Examiner rejects claims 5, 23, and 42 under 35 USC §103(a) as unpatentable over Powell (U.S. Patent No. 6,195,590) in view of Kleinfeld (*Engineering Economics*). Lastly, the Examiner objects to claims 6, 17, 18, 24 and 44 as being dependent upon a rejected base claim, but would allow these claims if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner further characterizes the elements of claim 17 allowable if added to claim 19.

Claim Rejections – 35 USC § 103

Applicant respectfully traverses all of the Examiner's rejections under 35 U.S.C. 103(a). The Examiner rejects independent claim 1 under 35 U.S.C. 103(a) as unpatentable over Powell (U.S. 6,195,590) in view of Chapman (U.S. 5,128,860), and rejects independent

claim 40 under 35 U.S.C. §103(a) as unpatentable over Powell. Claims 1 and 40 each teach a computer-implemented method for determining customer service impact, comprising as a first step, receiving customer line item orders, each having a requested completion date. The passages the Examiner cites from Powell (column 1, lines 62-67; column 2, lines 17-30; column 3, lines 1-3 and 60-67) do not teach measuring customer service impact through the use of a customer line item order. Column 1, lines 62-67, of Powell teaches that the objective of Powell “is to provide a computer network-based control system for manufacturing a product that provides a means for minimizing communication to a few easily understood descriptors and decentralizing the analysis and decision making to the local level.” Powell does not disclose, teach or suggest customer line item orders.

Column 2, lines 17-30, of Powell teaches “a network of manufacturing *activities*, assigns time durations estimates to each activity, and establishes baseline schedule dates for the beginning and end of each *activity*” (column 2, lines 19-22, emphasis added). Powell defines activities as time-consuming transformation operations in the manufacturing process of a product (column 3, lines 23-25). Column 2, line 66 through column 3, line 3, of Powell teaches calculation of a “delta value” between the “estimated availability date” and the “requirement date.” However, the “delta value” is directed to “a component or activity.” Also, Powell uses “schedule date” and “requested date” interchangeably, which is in contrast with the present invention where “requested completion date” means the completion date requested by the customer, and “scheduled completion date” means the projected completion date based on production schedules. Powell teaches in column 3, line 60-67, “the assignment of baseline schedule dates to each *event*.” An event is defined in Powell as “a state or condition that occurs at a moment of time” (column 3, line 28-29).

A rejection under §103 requires a showing of all of the following: 1) there must be some suggestion or motivation to modify or combine the references as suggested by the Examiner (it is not sufficient to say that the cited reference can be modified or combined without a teaching in the prior art to suggest the desirability of the modification; 2) there must also be a reasonable expectation of success; and 3) the references must teach or suggest all limitations of the claims. The teaching or suggestion to combine or modify the applied art and the reasonable expectation of success must both be found in the prior art and not in Applicant's specification (MPEP § 2143). The distinction between the use of customer line item orders, of the present invention, and the activities taught in Powell is significant. Powell is directed to a system for resource allocation for the manufacture of a product. There is no suggestion in Powell or Chapman for the use of customer line item orders as a basis to measure customer service. Further, the Examiner fails to provide a reference to a source of common knowledge that provides the requisite teaching, suggestion, and motivation to modify Powell or Chapman. See MPEP §§ 2144, 2144.03. For the foregoing reasons, independent claim 1 is patentable over Powell in view of Chapman, and independent claim 40 is patentable over Powell.

Still further, the Examiner cites Powell (column 1, lines 62-67; column 2, lines 17-35; and column 3, lines 1-3 and 60-67) as disclosing the step of "comparing the scheduled completion date with the requested completion date for each selected line item order." For the step of "deriving a customer service measurement for each selected line item order based on said comparing", the Examiner cites Powell (column 1, lines 62-67; column 2, lines 17-35; column 3, lines 1-3 and 60-67; and column 6, lines 29-31). The present invention discloses a unified quantitative customer service measurement value that is based on a measurement comprising a monetary value or a value that is a combination of time and

money. This customer service measurement can be reported and displayed, and can be subjected to statistical analysis. Both Powell and Chapman each fail to disclose such a quantitative measurement. In Powell, the act of “balanc[ing] the additional costs against the benefit/penalty of finishing early/late and authorize[ing] additional expenditures accordingly” (column 6, lines 30-33) does not disclose, teach or suggest the present invention feature of “deriving,” as Powell does not teach a quantitative step that yields a measurement.

Additionally, in Powell, the act is performed by a real life person -- the “project manager.” In the present invention, the step of “deriving” is implemented by computer to yield a quantitative measurement. Further, all comparison and reporting of Powell and Chapman are made only in terms of time (earliness/lateness). Although the word “cost” appears several times in the cited passages of Powell, the cost in Powell is directed to the cost that associated to return the delta value to a pre determined level (column 6, line 53-54). Although the “cost” in Powell is used by real life persons to assist the scheduling of the manufacturing process, it is not used as a metric for the process. Neither Powell or Chapman, either alone or in combination, disclose the step of deriving a customer service measurement as recited in the claimed invention. There is also no suggestion in either Powell or Chapman to use a quantitative measurement derived in whole or in part from a monetary term.

The Examiner also rejects independent claim 19 under 35 U.S.C. 103(a) as unpatentable over Powell (U.S. 6,195,590) in view of Chapman (U.S. 5,128,860). Independent claim 19 teaches a system for determining customer service impact, and the Examiner cites the same passages of Powell and Chapman for the rejection of claim 19 as cited for the rejections of claims 1 and 40. For the reasons detailed above, neither Powell or Chapman, either alone or in combination, disclose all of the elements of the claim 19.

Independent claim 43, rejected by the Examiner under 35 U.S.C. §103(a) as unpatentable over Powell, is directed to identifying a subset of line item orders having a customer service measurement greater than a predetermined threshold, and performing at least one of a utilization, contention, and material limitation inquiry on the subset of line item orders to identify a cause of the customer service measurement being greater than a predetermined threshold. The Examiner cites Powell at column 5, lines 13-15, as disclosing a performing of at least one material limitation inquiry on the subset of line item orders to identify a cause of the customer service measurement indication delay. Although column 5, lines 13-15, of Powell includes the word “constrained,” this passage does not disclose, teach or suggest the subject feature of the claimed invention. When read in context, the term constrained, in Powell at column 5, lines 13-15, merely describes a situation where the beginning of one activity can be constrained by the completion (or lack thereof) of another activity. This sample situation in Powell is distinguishable from, and does not disclose, teach or suggest, identifying a subset of customer line item orders that have a customer service measurement greater than a predetermined threshold, and finding a cause of such subset of customer line item order by performing at least one of a utilization, contention, and material limitation inquiry. Accordingly, independent 43 is patentable over Powell.

Dependent claims 4 and 22, rejected by the Examiner under 35 USC §103(a) as unpatentable over Powell in view of Chapman, are directed to deriving a customer service measurement comprising the value of the item order. The passages in Powell cited by the Examiner (column 2, lines 17-35 and line 65; column 3, line 20 and lines 60-67; column 6, lines 29-31; column 6, lines 30-40 and line 55; and column 7, line 15 and 25-45) to support the rejection do not disclose this feature of the claimed invention. Column 2, lines 17-35 and line 65, and column 3, line 20 and lines 60-67, only disclose a comparison of time

(earliness/lateness). The “cost” mentioned in column 6, lines 29-31, 30-40, and line 55; along with column 7, line 15 and lines 25-45, refers to the cost associated with returning the delta value to a pre determined level (column 6, lines 53-54). This is not a disclosure of the value of the item order, as recited in dependent claims 4 and 22. Accordingly, claims 4 and 22 are patentable over Powell in view of Chapman, as neither Powell or Chapman, alone or in combination, disclose this feature.

Dependent claims 5, 23, and 42, rejected by the Examiner under 35 USC §103(a) as unpatentable over Powell in view of Kleinfeld (*Engineering Economics*), are directed to deriving a customer service measurement for each line item order comprising the amount of time difference between the requested completion date and a scheduled completion date multiplied by the value of the item order. Neither Powell nor Kleinfeld, either alone or in combination, disclose, teach or suggest all of the recitations of claims 5, 23 and 42.

Powell does not disclose using a value of the item order for a customer service measurement, and Kleinfeld only discloses concepts of present worth and future worth, and a mathematic formula for the calculation of present worth and future worth in general terms. Kleinfeld does not disclose how to use the general concepts of present and future worth in the application of a customer service measurement. Kleinfeld does not disclose a customer service measurement based on a combination of time and value of a line item order. Further, neither Powell nor Kleinfeld provide any suggestion or motivation to derive a measurement combining a relationship of time with a value of the line item order. Accordingly, claims 5, 23, and 42 are also patentable over Powell in view of Kleinfeld.

CONCLUSION

In light of the above amendments and remarks, Applicant submits that pending claims 1, 4-13, 15-19, 22-30 and 32-47 are allowable, that the application is in condition for allowance, and requests that the Examiner issue an early notice of allowance. The Examiner is invited to call the undersigned attorney in the event that a telephone interview will advance prosecution of this application.

Respectfully submitted,



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